

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9310 of 2013

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Ram Nath Ram S/O Munaka Ram Resident Of Village- Bazitpur, P.O-
Banjari, P.S+ District- Rohtas.

.... Petitioner/s

Versus

1. The State Of Bihar, through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
2. The Director, Secondary/ Higher Secondary School Govt. of Bihar, Patna.
3. The District Education Officer, Bhojpur Ara.
4. The District Superintendent of Education Bhojpur at Ara
5. Sri Ram Pandey S/O Presently Posted At Plus Two Hitnarain Kshtriya High School Ara, P.S- Nawada Ara, District- Bhojpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar No. 1, Advocate.

For the Respondent/s : Mr. Vikas Kumar, AC to AG.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 20-03-2015

Heard learned counsel for the parties.

Having regard to the fact that there is no statutory appeal against the impugned order of transfer and the grievance of the petitioner that he was senior to the respondent no. 5, can never be a ground for interference by this Court in the impugned order of transfer.

The seniority has never been made at least a criteria for transfer much less prescribed under the rules. The petitioner being aggrieved on account of certain administrative decision including his transfer at the same place where respondent no. 5 was posted had moved before the Director, Secondary Education but the same was not allowed by him. He therefore ought to have moved before

the higher authorities including the Principal Secretary of the Education Department.

In that view of the matter, this Court is not inclined to interfere with the impugned order of transfer of the petitioner.

After such observation has been made, learned counsel for the petitioner seeks permission to withdraw this writ application in order to enable the petitioner to file a representation before the competent authority.

This writ application is accordingly permitted to be withdrawn with the aforementioned liberty.

Sujit/-

(Mihir Kumar Jha, J)

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